

1 QUINN EMANUEL URQUHART OLIVER & HEDGES, LLP
2 John M. Potter (Bar No. 165843)
3 johnpotter@quinnemanuel.com
4 Diane M. Doolittle (Bar No. 142046)
5 dianedoolittle@quinnemanuel.com
6 Elizabeth A. Morgan (Bar No. 270824)
7 elizabethmorgan@quinnemanuel.com
8 50 California Street, 22nd Floor
9 San Francisco, California 94111
10 Telephone: (415) 875-6600
11 Facsimile: (415) 875-6700

12 Christopher Tayback (Bar No. 145532)
13 christayback@quinnemanuel.com
14 Ashley E. Martabano (Bar No. 236357)
15 ashleymartabano@quinnemanuel.com
16 865 South Figueroa Street, 10th Floor
17 Los Angeles, California 90017-2543
18 Telephone: (213) 443-3000
19 Facsimile: (213) 443-3100

20 Attorneys for Defendants
21 JOHNSON & JOHNSON AND SCIOS, INC.

22 UNITED STATES DISTRICT COURT

23 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

24 UNITED STATES *ex rel* STROM,

25 CASE NO. C 05-3004 CRB

26 Plaintiffs,

27 vs.

28 SCIOS INC. and JOHNSON & JOHNSON,

Defendants.

STIPULATION AND [PROPOSED]
ORDER EXTENDING TIME IN WHICH
THE PARTIES MUST MOVE TO
COMPEL FACT-RELATED DISCOVERY
AND FOR EXPERT DISCOVERY

29 Trial Date: None Set

1 WHEREAS, the United States filed its Complaint in this matter on June 11, 2009; and
 2 WHEREAS, the fact-discovery cutoff in this case was September 30, 2011; and
 3 WHEREAS, pursuant to Local Rule 37-3, the deadline by which the parties must move to
 4 compel on any fact-discovery related issues is currently October 7, 2011; and

5 WHEREAS, the court requires the party to submit joint discovery letters no longer than
 6 five pages in place of traditional discovery motions; and

7 WHEREAS, the United States sought an extension of time in which to respond to
 8 Defendants' Fourth Set of Interrogatories; and

9 WHEREAS, the Defendants agreed to such extension on the condition that the parties
 10 stipulate and agree to extend Defendants' deadline to seek relief regarding the United States'
 11 Responses to Defendants' Fourth Set of Interrogatories until October 28, 2011; and

12 WHEREAS, the United States has agreed to supplement its Responses to Defendants'
 13 Fourth Set of Interrogatories, Nos. 10-13, by Friday, October 7, 2011; and

14 WHEREAS, the United States has agreed to provide further information relating to its
 15 assertion of the deliberative process privilege; and

16 WHEREAS, the parties, through their undersigned counsel, have agreed that Defendants
 17 shall have until seven calendar days after the United States provides such additional information to
 18 notify the United States that they intend to ask the Court to overturn the privilege; upon
 19 notification, Defendants will then have seven calendar days to provide their portion of the joint
 20 discovery letter relating to the deliberative process privilege; the United States will then have
 21 seven calendar days to provide its responsive portion; and the parties will have an additional seven
 22 calendar days to make any final revisions; and

23 WHEREAS, the parties, through their undersigned counsel, met and conferred about all
 24 outstanding discovery issues on October 3, 2011, including the parties' September 30, 2011
 25 responses to various discovery requests, and have further agreed to the following briefing schedule
 26 for any discovery letters to be filed with the court on any issues about which the parties met and
 27 conferred on October 3, 2011:

28 Moving Party to provide its portion to Opposing Party by October 12, 2011;

Opposing Party to provide its responsive portion to Moving Party by October 21, 2011; Moving Party to make any final revisions and provide to Opposing Party for finalization by October 25, 2011;

Moving Party shall file with the Court by October 28, 2011.

WHEREAS, the parties, recognizing the impact of this schedule on the pending expert discovery deadlines, through their undersigned counsel, have agreed and stipulated to change the expert disclosure deadlines to the following:

Designation of Experts November 30, 2011

Designation of Rebuttal Experts January 6, 2012

Expert discovery cut-off February 3, 2012

IT IS HEREBY ORDERED THAT:

Defendants shall have until October 28, 2011 to seek relief relating to the United States' Responses to Defendants' Fourth Set of Interrogatories, Nos. 10-13; and

IT IS FURTHER ORDERED THAT:

15 With respect to the United States' assertions of deliberative process privilege, Defendants
16 shall have until seven calendar days after the United States provides States provides additional
17 information to notify the United States that they intend to ask the Court to overturn the privilege;
18 upon notification, Defendants will then have seven calendar days to provide their portion of the
19 joint discovery letter relating to the deliberative process privilege; the United States will then have
20 seven calendar days to provide its responsive portion; and the parties will have an additional seven
21 calendar days to make any final revisions; and

IT IS FURTHER ORDERED THAT:

The Parties shall file any outstanding motions to compel fact-related discovery on issues about which the parties met and conferred on October 3, 2011, according to the schedule set forth above.

IT IS FURTHER ORDERED THAT:

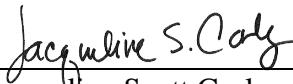
The expert disclosure deadlines in the case shall be the following:

Designation of Experts November 30, 2011

1 Designation of Rebuttal Experts January 6, 2012
2 Expert discovery cut-off February 3, 2012
3

4 IT IS SO ORDERED.
5

6 Dated: October 7, 2011


7 Hon. Jacqueline Scott Corley
8 United States Magistrate Judge

10 Dated: October 6, 2011 QUINN EMANUEL URQUHART OLIVER &
11 HEDGES, LLP

12 By /s/ signature on file
13 John M. Potter

14 *Attorneys for Defendants Johnson & Johnson Inc.
and Scios Inc.*

16 Dated: October 6, 2011 By /s/ signature on file
17 SARA WINSLOW
18 JULIE A. ARBUCKLE
Assistant United States Attorneys

19 Dated: October 6, 2011 By /s/ signature on file
20 JOYCE R. BRENDA
21 PATRICIA R. DAVIS
22 RENÉE S. ORLEANS
23 Civil Division, U.S. Department of Justice
24

25 *Attorneys for the United States*

1 Dated: October 6, 2011

NOLAN & AUERBACH, P.A.
LAW OFFICES OF MATTHEW PAVONE, Esq.

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3 By /s/ signature on file
4 MATTHEW PAVONE

5 Attorneys for *Qui Tam* Plaintiff Joe Strom

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